

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-01300-EGS**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF  
LABOR et al

Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/06/2019

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN OVERSIGHT**

represented by **Katherine Marie Anthony**  
AMERICAN OVERSIGHT  
1030 15th Street, NW  
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**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Cerissa Cafasso**  
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V.

**Defendant**

**U.S. DEPARTMENT OF LABOR**

represented by **April Denise Seabrook**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **April Denise Seabrook**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text                                                                                                                                                                                                                             |
|------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/06/2019 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR ( Filing fee \$ 400 receipt number 0090-6104531) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to U.S. Attorney, # |

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|            |          | <u>3</u> Summons to U.S. Attorney General, # <u>4</u> Summons to U.S. Department of Labor, # <u>5</u> Summons to U.S. Department of Justice)(Cafasso, Cerissa) (Entered: 05/06/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 05/06/2019 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 05/06/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 05/07/2019 |          | Case Assigned to Judge Emmet G. Sullivan. (zef, ) (Entered: 05/07/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 05/07/2019 | <u>3</u> | SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 05/07/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 05/14/2019 | <u>4</u> | STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 05/14/19. (Attachment: Exhibit 1) (mac) (Entered: 05/14/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 05/14/2019 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Katherine M. Anthony, :Firm– American Oversight, :Address– 1030 15th St. NW, B255, Washington, DC 20005. Phone No. – (202) 897–3918. Fax No. – (202) 871–6523 Filing fee \$ 100, receipt number 0090–6123154. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Katherine M. Anthony, # <u>2</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 05/14/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/14/2019 |          | MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice. The Court hereby grants attorney Katherine M. Anthony pro hac vice admission to this Court pursuant to Local Civil Rule 83.2. Signed by Judge Emmet G. Sullivan on 5/14/2019. (lcegs3) (Entered: 05/14/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 05/15/2019 | <u>6</u> | NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 05/15/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 05/29/2019 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/8/2019. ( Answer due for ALL FEDERAL DEFENDANTS by 6/7/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/13/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF LABOR served on 5/13/2019 (Attachments: # <u>1</u> Declaration of Clay M. Goode)(Anthony, Katherine) (Entered: 05/29/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 06/03/2019 |          | MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than June 14, 2019. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA requests; (2) The anticipated number of documents responsive to plaintiff's FOIA requests; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA requests; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 6/3/2019. (lcegs3) (Entered: 06/03/2019) |
| 06/03/2019 |          | Set/Reset Deadlines: Joint Scheduling Order due by 6/14/2019. (mac) (Entered: 06/03/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06/03/2019 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 6/3/2019 (Attachments: # <u>1</u> Declaration of Clay M. Goode)(Anthony, Katherine) (Entered: 06/03/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 06/07/2019 | <u>9</u> | UNOPPOSED MOTION for Extension of Time to File Answer by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 06/10/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| 06/11/2019 |           | MINUTE ORDER granting 2 Defendants' Unopposed Motion for Extension of Time to File Answer. Defendants shall file their answer or other response to the Complaint by no later than July 8, 2019. Signed by Judge Emmet G. Sullivan on 6/11/2019. (lcegs3) (Entered: 06/11/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 06/11/2019 |           | Set/Reset Deadlines: Defendants Answer Or Otherwise Response To The Complaint due by 7/8/2019. (mac) (Entered: 06/11/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 06/14/2019 | <u>10</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Anthony, Katherine) (Entered: 06/14/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 06/26/2019 |           | MINUTE ORDER. In view of the parties' <u>10</u> Joint Status Report, the Court STAYS its Minute Order of June 3, 2019. The parties shall meet and confer and propose a joint scheduling order for further proceedings in this case by no later than July 15, 2019. The parties joint proposed scheduling order shall address the following: (1) The status of plaintiffs FOIA requests; (2) The anticipated number of documents responsive to plaintiffs FOIA requests; (3) The anticipated date(s) for release of documents responsive to plaintiffs FOIA requests; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 6/26/2019. (lcegs3) (Entered: 06/26/2019) |
| 06/26/2019 |           | Set/Reset Deadlines: Joint Scheduling Order due by 7/15/2019. (mac) (Entered: 06/26/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 07/14/2019 | <u>11</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR (Seabrook, April) (Entered: 07/14/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/15/2019 |           | MINUTE ORDER granting <u>11</u> Defendants' Consent Motion for Extension of Time to File Answer re <u>1</u> Complaint. Defendants indicate that their failure to timely file an answer or other response to the Complaint is attributable to their unsuccessful attempts to identify agency counsel for one of the named defendants. The Court grants nunc pro tunc Defendants' consent motion, based on a finding of excusable neglect. See Fed. R. Civ. P. 6(b)(1)(B). Defendants shall file their answer or other response to the Complaint by no later than July 18, 2019. Signed by Judge Emmet G. Sullivan on 7/15/2019. (lcegs3) (Entered: 07/15/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 07/15/2019 | <u>12</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 07/15/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 07/16/2019 |           | Set/Reset Deadlines: Defendants Answer Or Otherwise Response To The Complaint due by 7/18/2019. (mac) (Entered: 07/16/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 07/16/2019 |           | MINUTE ORDER. In view of the <u>12</u> Joint Status Report, the parties are directed to file another joint status report by no later than August 14, 2019, updating the Court on the status of Defendants' searches and responses to Plaintiff's FOIA requests. Signed by Judge Emmet G. Sullivan on 7/16/2019. (lcegs3) (Entered: 07/16/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/17/2019 |           | Set/Reset Deadlines: Joint Status Report due by 8/14/2019. (mac) (Entered: 07/17/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 07/18/2019 | <u>13</u> | ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Supplement 6)(Seabrook, April) (Entered: 07/18/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |